



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** John Dash

**Application No.** 10/616,165

**Filed:** July 7, 2003

**Confirmation No.** 9749

**For:** LOW TEMPERATURE NUCLEAR  
FUSION

**Examiner:** Ricardo J. Palabrica

**Art Unit:** 3641

**Attorney Reference No.** 4109-66311-01

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney  
for Applicant(s)

Date Mailed March 24, 2005

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**PETITION FOR SUSPENSION OF PROSECUTION  
UNDER 37 C.F.R. § 1.103**

Applicant submits this petition to suspend action on the application referenced above.

An Office action, dated November 24, 2004, was issued concerning the referenced application.

Applicant's response to that Office action is attached.

Applicant has petitioned the Supreme Court of the United States to grant *certiorari* to hear applicant's appeal of the *In re John Dash and Patrick S. Keefe* decision (December, 2004) by the Court of Appeals for the Federal Circuit. The issues presented by the Office action of November 24, 2004, for the present application are substantially identical to the issues being appealed by applicant to the Supreme Court. It therefore is in the best interests of both the Patent Office and applicant to suspend action on the present application.

Applicant requests suspension of action on this application for six months, and preferably for the entire pendency of applicant's appeal to the Supreme Court of the United States. This would allow the Supreme Court time to render its decision.

No fee is required. However, if the Patent Office determines that a fee is required, such fee can be deducted from Deposit Account No. 02-4550.

The Patent Office is invited to call the undersigned if there are any questions concerning this petition.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By



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February 12, 2005

Professor John Dash  
Department of Physics  
Portland State University  
Box 751  
Portland, OR 97207

Dear Professor Dash:

I am writing this letter in support of your U.S. Patent application. It is my understanding that the U.S. Patent Office has inappropriately used my two studies of your system to reject your claims. This is totally wrong. In this field many detailed studies are required to support or reject claims. In my own experiments with the Navy over five years, only 28 out of 94 experiments produced the anomalous excess heat effect (see Table 10, p. 42 of NAWCWPNS TP8302, September, 1996). There are many experimental variables that can affect results.

My two studies of your system had several serious flaws. Foremost was my use of Pt – 20% Rh as the anode material. This anode worked fine in my  $D_2O+LiOD$  solutions, but it underwent obvious corrosion in your  $D_2O+H_2SO_4$  system. This alone would likely cause my experiments on your system to fail. Furthermore, the use of your  $D_2O+H_2SO_4$  gave much higher electrolytic conductivity for the cell, thus the input powers that I used in this experiment were much lower than in all my other experiments. My calorimeter was much less accurate over this low input power range.

In reviewing the experimental results for this study (Figure 16, p. 66 of the NAWCWPNS TP8302 Report), there is possible evidence for small amounts of excess power over the first 5 or 6 days of this experiment. Apparently, the Rh dissolving from the anode and plating out on the Pd cathode over longer time periods sequenced these early signs of excess power. It should be noted that anomalous radiation was observed in these experiments (NAWCWPNS TP8302, p. 27).

Additional experiments should have been conducted to investigate these possible signs of excess power and anomalous radiation for your  $Pd/D_2O+H_2SO_4$  system. Unfortunately, I was under contract with the Navy to investigate materials made by the Naval Research Laboratory (NRL) and could not devote any further time to studies of your system.

In summary, the U.S. Patent Office cannot use my two studies to make any ruling for or against your system.

Sincerely,

*Melvin H. Miles*

Dr. Melvin H. Miles  
Visiting Professor  
University of LaVerne

CHEMISTRY DEPARTMENT

# ICCF-11

PROGRAM  
ABSTRACTS

MARSEILLE: FRANCE: 2004

31 OCTOBER - 5 NOVEMBER

## Another Replication of Thermal Anomalies in "Dash" type Electrolytic Cells

Alessandro Zucca, Francesco Bonazzi, Angelo Salvatori, Anna Gandolfi.

Liceo Scientifico "Leonardo da Vinci", Via Respighi, 5 -20122, Milan, Italy

After the successful public demonstrations of thermal anomalies in electrolytic cells at Boston (ICCF10) in 2003 and at Asti (5th Workshop) in 2004, we report a further replication at an Italian high school, "Leonardo da Vinci". One difference between this replication and the previous demonstrations is that we used "off the shelf" materials (i.e. virgin palladium) and we simply followed a written recipe. We hope these facts encourage others to carry out the experiment.

### Method :

The experimental arrangement is very similar to that used by John Dash. Two cells are connected in series (i.e. identical current in each). The control cell consists of platinum foil anode and cathode in  $\text{H}_2\text{SO}_4 + \text{H}_2\text{O}$ . The experimental cell is the same but the cathode is palladium foil and the electrolyte is  $\text{H}_2\text{SO}_4 + \text{D}_2\text{O}$ . Both cells use a catalyst to recombine the oxygen and isotopic hydrogen.

### Results :

On passing a current through the cells the temperatures both rise in much the same amount. At a certain point the experimental cell temperature accelerates and remains some 8-10 °C above that of the control cell. The duration of this anomaly appears to be dependent on current.

### References

- 1 - Abhay Ambadkar and John Dash "Electrolysis of  $\text{D}_2\text{O}$  With A Palladium Cathode Compared With Electrolysis Of  $\text{H}_2\text{O}$  With A Platinum Electrode: Procedure And Experimental Details". (Private Communication).
- 2 - Franco Raverdino et al., "Fusione Fredda ad Asti. L'esperienza di un liceo astigiano." 5th Asti Workshop on anomalies in Hydrogen / Deuterium Loaded Metals 2004.

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1. From the Editor: A Conversation About Peak Oil with Colin Campbell

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efficiencies exceeding Faraday efficiency, it is necessary to control the surface conditions of the electrode, plasma electrolysis temperature, current density and input voltage. The minimum input voltage required to induce the plasma state depends on the density and temperature of the solution. It was estimated as 120 V in this study. The lowest electrolyte temperature at which plasma forms is 75°C. We have observed as much as 80 times more hydrogen generated by plasma electrolysis than by conventional electrolysis at 300 V.

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#### 11. ChangChun University, China, Takes Up Cold Fusion

Front row, left to right: Jian Tian, John Dash, Xing Zhong Li

With the assistance of professor Xing Zhong Li of Tsinghua University, Beijing, China, and professor John Dash of Portland State University, a new cold fusion research effort has begun at ChangChun University, ChangChun City, China.

Dr. Jian Tian, dean of the school of biological sciences, directs the effort and oversees the work of eight undergraduate students working on cold fusion research. Tian has a background in material science.

Tian invited Dash to ChangChun University in October of 2004 for a week to train students in his cold fusion

<<http://www.newenergytimes.com/students/2003DashJ-ColdFusionRecipe.pdf>>recipe.

Dash had recently trained high-school students at the Leonardo da Vinci scientific high school in Milan, Italy, on his simple but effective cold fusion demonstration.

By the end of the week, the students had performed two successful cold fusion experiments.

"The students stayed up all night preparing their graphs, and on Friday morning I walked into a packed lecture hall with a banner welcoming me," Dash said.

The president and vice president of ChangChun University attended and were enthusiastic about the work, Dash reported. They asked him to suggest a reasonable amount of funds which would support professor Tian's group of cold fusion researchers. Xing Zhong Li later reported that Dash's suggestion had been approved: "The Vice-President in charge of research and foreign affairs promised the equivalent of US\$100,000."

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